

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 United States of America,

10 Plaintiff,

11 v.

12 Ted Earl Severeid, III,

13 Defendant.  
14

No. CR-21-02308-001-TUC-DWL

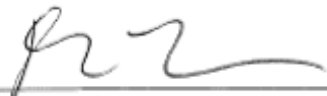
**ORDER**

15 In Count One of the indictment, Defendant is charged with violating 18 U.S.C.  
16 § 115(a)(1)(B) and (b)(4) by “threaten[ing] to assault Person A, a United States Judge, with  
17 intent to impede, intimidate, and interfere with such judge while engaged in the  
18 performance of official duties, and with intent to retaliate against such judge on account of  
19 the performance of official duties.” (Doc. 1 at 1.) The crime is alleged to have occurred  
20 “in the District of Arizona.” (*Id.*)

21 The Court has *sua sponte* considered the factors set forth in 28 U.S.C. § 455 and  
22 concludes that recusal is unnecessary in this case. *Clemens v. U.S. Dist. Ct. for the Central*  
23 *Dist. of Cal.*, 428 F.3d 1175, 1177-80 (9th Cir. 2005) (where the defendant was “charged  
24 . . . with making threats with intent to extort, assault, murder, or to inflict harm upon three  
25 federal district court judges from the Central District of California” but there was no  
26 allegation that the defendant made threats “toward the assigned judge or the entire bench,”  
27 concluding that “[t]he district court correctly held that mandatory disqualification of all  
28 judges on the Central District of California was not justified under § 455(a)”). This

1 determination is without prejudice to any party's ability to file a motion for appropriate  
2 relief should that party disagree with the Court's assessment.

3 Dated this 24th day of March, 2022.

4  
5  
6   
7 \_\_\_\_\_  
8 Dominic W. Lanza  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28